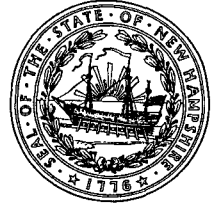




State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET 2005-29**

September 27, 2005

Martha & Jeff Lewellyn  
RFD # 3 Box 200  
Claremont, NH 03743

RE: DES Wetlands File #2004-01231 Cutts Rd, Newport

Dear Mr. & Mrs. Lewellyn,

On June 9, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Newport Tax Map 52 as Lot 1552-1 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

At that time, DES requested that you hire a Certified Wetland Scientist to assist you resolving the outstanding compliance issues on your property. DES received confirmation from Natural Resource Consulting Services indicating that they had been retained to develop a plan in coordination with Souhegan Valley Engineering, Inc. To date this plan has not been submitted.

In addition, on September 19, 2005, DES personnel conducted an inspection of the above referenced property. During the inspection, the following deficiencies were documented:

1. Fill material had been graded into the wetland;
2. Erosion controls had not been properly installed and the silt fence was not maintained;
3. Bare soils on the site were not stabilized and had eroded into the wetland and the stream.

In response, you are requested to take the following actions:

1. By October 30, 2005, retain a certified wetland scientist to develop a restoration plan to remove the fill from the wetland and re-establish wetland vegetation. The plan shall contain the following:
  - a. A plan drawn to scale, showing the wetland boundary. The delineation of any disturbed wetland adjacent to the stream shall be done in accordance with *Section F of the 1987 Army Corps of Engineers Wetland Delineation Manual*;
  - b. A proposed means of erosion control;
  - c. A winter stabilization plan for any exposed soils and areas with continuing winter construction activities;

- d. A proposed schedule and restoration sequence listing equipment and methods for accomplishing restoration;
- e. A proposed planting plan for the re-establishment of wetland vegetation;

2. Complete the restoration only after receiving written approval from DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

  
Colin G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0003 0561 7982

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit ✓  
Newport Conservation Commission  
Newport Board of Selectmen  
USACOE